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Moshe Weiner

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DR. MARK M. FRIEDMAN

C/O BILL POLKINGHORN - DISCOVERY DISPATCH

9003 FLORIN WAY

UPPER MARLBORO, MD 20772

EXAMINER

ABDALLA, KHALID M

ART UNIT

PAPER NUMBER

4173

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mark\_f@friedpat.com

friedpat@yahoo.com

sharon\_l@friedpat.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,204	<b>Applicant(s)</b> WEINER, MOSHE	
	<b>Examiner</b> KHALID ABDALLA	<b>Art Unit</b> 4173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/2008, 08/02/2006</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This application has been examined .Claims 1-50 are pending in this application

#### ***Priority***

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 371 as follows:

Priority is over 30 months .US filling date is 6/21/2006. provisional application to PCT was filled on 05/08/2003.

#### **Information Disclosure Statement**

3. The Examiner has considered the references listed on the Information Disclosure statement submitted on 10/13/2005 (see attached PTO-1449.

#### **Drawings**

4. The examiner contends that the drawings submitted on 10/13/2005 are acceptable for examination proceedings

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-18 and 20-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Rojas (US 20050135333 A1).

Regarding claim 1, Rojas discloses a communications network, a system for instant voice messaging (instant voice messaging system for delivering instant messages over a packet-switched network see [0012])

comprising:

a. an instant voice messaging (IVM) server operative to essentially simultaneously receive from an initiating user at least one voice message fragment and stream said at least one voice fragment to at least one target user; and (the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients SEE [0045] also (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012])

b. a switch coupled to said IVM server and operative to effect

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communications between said initiating user and each said at least one target user and said IVM server, as well as between said initiating and said at least one target users (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]); whereby each voice message originating from said initiating user may be instantly transmitted over the communications network to said at least one target user (an instant voice messaging system for delivering instant messages over a packet-switched network enabling public switched telephone network (PSTN) support, the system comprising: a PSTN telephone connected to the network for providing input audio; a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network see[0013]).

Regarding claim 2, Rojas discloses the system, wherein said communication network is selected from the group consisting of a telephony network and a voice over Internet protocol (VoIP) network telephony network, and wherein said switch is respectively selected from the group consisting of a telephony switch and a VoIP switch (the present invention, there is provided an instant voice messaging system for delivering instant messages over a packet-switched network, the system comprising: a

voice-over-internet-protocol (VoIP) telephone connected to the network for providing input audio; a client connected to the network see [0014]).

Regarding claim 3, Rojas discloses the system of, wherein said IVM server includes a fragment storage and streaming module operative to provide said essentially simultaneous reception and transmission of said at least one voice fragment (the IVM server 202 forwards the user's speech transmitted from VoIP telephone 206 to the IVM client 208 for storage into digitized audio file 210 on the IVM client 208 see [0041] and FIG.2).

Regarding claim 4, Rojas discloses the system, wherein said telephony network is selected from the group consisting of a cellular network and a wire-line network (The local packet-switched IP network 204 interconnects the IVM clients 206, 208 and the legacy telephone 110 to the local IVM server 202 as well as interconnecting the local IVM server 202 to the local IP network 204. The network 204 may be a local area network (LAN), a wide area network (WAN), or the like, which supports both wired and wireless devices see [0037] and FIG.2).

Regarding claim 5, Rojas discloses the system, wherein said cellular network implements a technology selected from the group consisting of a 1st generation (1G), 2nd generation (2G), 2.5 generation (2.5G), and 3rd generation (3G) cellular technology (Further regarding FIG. 1, terminal device 110 is a legacy telephone that is connected to a legacy switch 112 for (circuit-switched) voice communications over the PSTN 116 with other terminal devices. A media gateway 114 may be provided between the legacy switch 112 and the packet-switched network 102 to enable IP telephony between the

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legacy telephone 110 and a VoIP terminal device, such as a VoIP soft phone 104 or VoIP telephone 106, therefore that inherent 1st generation (1G), 2nd generation (2G), 2.5 generation (2.5G), and 3rd generation see [0007] and FIG.1).

Regarding claim 6, Rojas discloses the system, wherein said operativeness of said switch to effect communications between each said initiating and target users and said IVM server is facilitated by an IVM number assigned to each said user (the foregoing systems may be provided with a facility to allow users to leave voice messages for recipients leaving a voice message involves dialing the recipient's telephone number see [0008] ; also a packet-switched network enabling public switched telephone network (PSTN) support, the system comprising: a PSTN telephone connected to the network for providing input audio; a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network; a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network therefore that inherent assigned IVM number see [0013]).

Regarding claim 7, Rojas discloses the system, wherein said IVM number is selected from the group of an individual user IVM number (the foregoing systems may be provided with a facility to allow users to leave voice messages for recipients leaving a voice message involves dialing the recipient's telephone number see [0008] and a multiple target user IVM number (a client connected to the network, the client selecting

one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]).

Regarding claim 8, Rojas discloses the system, wherein each said individual user IVM number includes a session identifier and a telephone number or Internet Protocol (IP) address. (the foregoing systems may be provided with a facility to allow users to leave voice messages for recipients leaving a voice message involves dialing the recipient's telephone number see [0008] ;also The file manager accesses a message database 310, in which both the received and recorded instant voice messages are represented as database records, each record comprising a message identifier and the instant voice message see [0046] (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]) that therefore inherent a session identifier and a telephone number or Internet Protocol (IP) address )

Regarding claim 9, Rojas discloses the system, wherein said session identifier is selected from the group consisting of a prefix located before said telephone number. (the foregoing systems may be provided with a facility to allow users to leave voice



messages for recipients leaving a voice message involves dialing the recipient's telephone number see [0008] or IP address and a suffix located after said telephone number or IP address (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]) that therefore inherent telephone number or IP address

Regarding claim 10, Rojas discloses the system of claim 9, wherein said prefix and said suffix each include a three-digit number (the foregoing systems may be provided with a facility to allow users to leave voice messages for recipients leaving a voice message involves dialing the recipient's telephone number see [0008] ; also a packet-switched network enabling public switched telephone network (PSTN) support, the system comprising: a PSTN telephone connected to the network for providing input audio; a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network see [0013] that therefore inherent a three-digit number)

Regarding claim 11, Rojas discloses the system, wherein said multiple target user IVM number includes(the foregoing systems may be provided with a facility to allow users to leave voice messages for recipients leaving a voice message involves dialing

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the recipient's telephone number see [0008]` ) in order, an IVM session identifier, a multiple target user identifier, and a telephone number or IP address of each said at least one target user (The file manager accesses a message database 310, in which both the received and recorded instant voice messages are represented as database records, each record comprising a message identifier and the instant voice message see [0046] ;(a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]) that therefore inherent a multiple target user identifier, and a telephone number or IP address of each of said target users)

Regarding claim 12, Rojas discloses the system, wherein said IVM session identifier is a three- digit number. (the foregoing systems may be provided with a facility to allow users to leave voice messages for recipients leaving a voice message involves dialing the recipient's telephone number see [0008] ; also a packet-switched network enabling public switched telephone network (PSTN) support, the system comprising: a PSTN telephone connected to the network for providing input audio; a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network see [0013] that therefore inherent a three-digit number session identifier).

Regarding claim 13, Rojas discloses the system, further comprising an instant retrieval module preferably included in said IVM server and operative to provide a first smart notification (The file manager 308 services requests from the user to record delete or retrieve messages to/from the message database 310. Audio file creation 312 creates an instant voice message as audio file 210, and is responsible for receiving input speech for the instant voice message from audio input device 212 or via network 204 and storing the input speech into audio file see [0046] and FIG.3) to said at least one target user in case said pushing of said instant voice message fails, and a second notification to said initiating user about a status of said message (When the one or more IVM recipients become available, the user manager 706 notifies the server engine 704, which instructs the storage manager 710 to retrieve any undelivered instant voice messages for the one or more recipients and delivers the instant voice messages to the designated one or more IVM recipients. The local server manager 708 is responsible for creating/maintaining and providing the status of available local IVM servers, such as IVM server 202 in FIG. 2. The availability status of the local IVM servers is checked periodically and updated see [0064]).

Regarding claim 14, Rojas discloses the system, wherein said status is selected from a rejection of said message by said at least one target user and acceptance of said message by said at least one target user (a display device 216 is connected to the IVM client 208 to display instant voice messages recorded and/or received by a user of the IVM client 208 see [0037] and FIG.2)also (The user operates the IVM client 208 by using the input device 218 to indicate a selection of one or more IVM recipients from the

list. The user selection is transmitted to the IVM server 202. The user selection also generates a start signal to the IVM client 208 that the user is ready to begin instant voice messaging according to the present invention that therefore inherent acceptance of message sees [0039]).

Regarding claim 15, Rojas discloses the system, further comprising a short messaging service center coupled to said IVM server and said switch, wherein said smart notification (The file manager 308 services requests from the user to record delete or retrieve messages to/from the message database 310. Audio file creation 312 creates an instant voice message as audio file 210, and is responsible for receiving input speech for the instant voice message from audio input device 212 or via network 204 and storing the input speech into audio file see [0046] and FIG.3) is selected from the group consisting of a short message service (SMS) notification and a smart caller identification (ID) (Any files attached to the instant voice message are also stored in the message database 310 using the file manager 308. A visual and/or sound effect is initiated to notify a user of the IVM client 208 that a new instant voice message has been received at the IVM client 208. At this point in time, the instant voice message and any file attachments are available to the user see [0047]) also (The client messages include sending an instant voice message portions, checking message, send message, set status message, send a phone command message, and send control parameters message. The content of the ID field represents a unique identifier for the message object see [0050]).

Regarding claim 16, Rojas discloses the system, further comprising a presence

status subsystem coupled to said IVM server and operative to provide a status parameter of said at least one target user (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]) also (The client messages include sending an instant voice message portions, checking message, send message, set status message, send a phone command message, and send control parameters message. The content of the ID field represents a unique identifier for the message object see [0050]).

Regarding claim 17, Rojas discloses the system, wherein said presence status subsystem is selected from the group of a presence status module included in said IVM server and an external presence status server coupled to said IVM server (the user manager 706 is responsible for creating/maintaining IVM clients 206, 208, 506, 508, identifying them and relaying their status to the server engine 704. When an IVM client communicates an instant voice message within the global IVM system 500 see [0064 and FIG.7).

Regarding claim 18, Rojas discloses the system, wherein said cellular network is a global system for mobile communications (GSM) network, and wherein said presence status server is further coupled to a home location register(the user manager 706 is responsible for creating/maintaining IVM clients 206, 208, 506, 508, identifying them

and relaying their status to the server engine 704. When an IVM client communicates an instant voice message within the global IVM system 500 see [0064] and FIG.6).

Regarding claim 20, Rojas discloses the system, further comprising a push-to-talk (PTT) (the IVM server 202 forwards the user's speech transmitted from VoIP telephone 206 to the IVM client 208 for storage into digitized audio file 210 on the IVM client 208. The audio file 210 is finalized by returning the handset its cradle (on-hook) or by pressing a designated button on the keypad see [0041] and FIG.2) module included in said IVM server and operative to facilitate instant voice messaging between said initiating user and said at least one PTT target user notification (Any files attached to the instant voice message are also stored in the message database 310 using the file manager 308. A visual and/or sound effect is initiated to notify a user of the IVM client 208 that a new instant voice message has been received at the IVM client 208. At this point in time, the instant voice message and any file attachments are available to the user see [0047])

Regarding claim 21, Rojas discloses a method for relaying an instant voice message (instant voice messaging system for delivering instant messages over a packet-switched network see [0012]) from an initiating user to at least one target user over a communications network, comprising the steps of:

a. at an instant voice messaging (IVM) server, receiving at least one voice message fragment from an initiating user (the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is

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repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients SEE [0045] also (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]).

b. essentially simultaneously with said step of receiving, streaming said at least one voice fragment to at least one target user (the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients SEE [0045] also (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012])).

Regarding claim 22, Rojas discloses the method, wherein said step of receiving at least one voice message fragment (the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients SEE [0045] from an initiating

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user includes).

i. providing a switch coupled to the IVM server and operative to effect communications between each said initiating and target users and said IVM server, as well as between said initiating user and said at least one of target user (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]);

ii. Providing a unique instant voice messaging (IVM) number to each target user (the user must typically identify himself or herself in order for the recipient to return the call that therefore inherent a unique number see [0008]).

iii. Accessing said IVM server; and wherein said step of streaming said at least one voice fragment to at least one target user, until the entire instant voice message is relayed to said at least one target user includes (the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients SEE [0045] and FIG.2) also (the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network see [0013]).



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iv. At said IVM server, starting to record and store fragments of said instant voice message while accessing said target user (The messaging system 714 and the server engine 704 communicate via standard inter-process communication. The storage manager 710 handles retrieving, sending, and storing of messages, including instant voice messages and attachments thereto, to/from the message database 712 see [0064] and FIG.7)

Regarding claim 23, Rojas discloses The method, further comprising the steps of:

c. if said at least one target user answers said IVM server, streaming already stored fragments of said instant voice message to said at least one target user until the entire message is transmitted (the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients SEE [0045] and FIG.2) also (the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network see [0013]).

d. if said at least one target user does not answer said IVM server, processing said instant voice message at the IVM server according to predetermined rules (the available IVM recipients, currently connected to the IVM server 202, will receive the instant voice message. It is noted that if a recipient IVM client is not currently connected to the local IVM server 202 (i.e., is unavailable), the IVM server

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temporarily saves the instant voice message and delivers it to the IVM client when the IVM client connects to the local IVM server 202 (i.e., is available) see [0039] that therefore inherent predetermined rules and FIG.2).

Regarding claim 24, Rojas discloses the method, wherein said at least one target user is a single target user, and wherein said step of providing an IVM number (the foregoing systems may be provided with a facility to allow users to leave voice messages for recipients leaving a voice message involves dialing the recipient's telephone number see [0008] ) to said single target user includes providing an individual two-part number that includes an IVM session identifier and a telephone number or IP address that uniquely identifies said target user (The file manager accesses a message database 310, in which both the received and recorded instant voice messages are represented as database records, each record comprising a message identifier and the instant voice message see [0046] also (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012] that therefore inherent a session identifier and a telephone number or IP address that uniquely identifies said target user

Regarding claim 25, Rojas discloses the method, wherein said at least one target user includes a plurality of target users, and wherein said step of providing an IVM

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number(the foregoing systems may be provided with a facility to allow users to leave voice messages for recipients leaving a voice message involves dialing the recipient's telephone number see [0008] ) to said plurality of target users includes providing a three-part, multiple target user number that includes an IVM session identifier, a multiple target user identifier, and a telephone number or IP address of each of said target users (The file manager accesses a message database 310, in which both the received and recorded instant voice messages are represented as database records, each record comprising a message identifier and the instant voice message see [0046] ;(a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]) that therefore inherent a multiple target user identifier, and a telephone number or IP address of each of said target users.

Regarding claim 26, Rojas discloses the method, wherein said step of streaming already stored fragments (the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients SEE [0045] and FIG.2) also (the client selecting one or more recipients, generating an instant voice message therefor using

the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network see [0013]) is followed by an operation selected from the group of, by said at least one target user, moving to full-duplex session with said initiating user and further processing said instant voice message (the instant voice message is finalized in the audio file 210 via audio file creation 312. The audio file 210 is adjusted for gain, and noise is removed via signal processing 314. The audio file 210 is further compressed at 318 and encrypted at 316. The completion of these processes causes the client engine 304 to inform the user via display 216 that the instant voice message is available to be sent see [0048] and FIG.3).

Regarding claim 27, Rojas discloses a method for instant retrieval of a voice message sent from an initiating user to a target user through an instant voice messaging (IVM) server (The messaging system 714 and the server engine 704 communicate via standard inter-process communication. The storage manager 710 handles retrieving, sending, and storing of messages, including instant voice messages and attachments thereto, to/from the message database 712 see [0064] and FIG.7), comprising the steps of:

a. by the target user, receiving a smart notification from the IVM server that said target user is provided with a particular instant voice message (Any files attached to the instant voice message are also stored in the message database 310 using the file manager 308. A visual and/or sound effect is initiated to notify a user of the IVM client 208 that a new instant voice message has been received at the IVM client 208. At this

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point in time, the instant voice message and any file attachments are available to the user see [0047])

b. by said target user, directly accessing said particular message (The user can select the instant voice message from a listing of available instant voice messages displayed on the IVM client 208 and play the newly received instant voice message. The user may also open any file attachments and move or save the files to a separate location on the client using a drag-and-drop process see [0047]).

Regarding claim 28, Rojas discloses the method, wherein said step of receiving a smart notification includes receiving a notification selected from the group consisting of a caller ID notification and a short message service (SMS) notification(Any files attached to the instant voice message are also stored in the message database 310 using the file manager 308. A visual and/or sound effect is initiated to notify a user of the IVM client 208 that a new instant voice message has been received at the IVM client 208. At this point in time, the instant voice message and any file attachments are available to the user see [0047]).

Regarding claim 29, Rojas discloses the method, wherein said step of receiving a caller ID notification further includes receiving a notification comprising an access code to an IVM instant retrieval module (The file manager 308 services requests from the user to record, delete or retrieve messages to/from the message database 310. Audio file creation 312 creates an instant voice message as audio file 210, and is responsible for receiving input speech for the instant voice message from audio input

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device 212 or via network 204 and storing the input speech into audio file see [0046] and FIG.3), a unique identification code for said particular instant voice message, and a message type (In that message, the user must typically identify himself or herself in order for the recipient to return the call that therefore inherent unique identification code see [0008]).

Regarding claim 30, Rojas discloses the method , wherein said message type is selected from the group consisting of an instant voice message, a voice-mail, a multi-media service message and a unified message (The legacy switch 112 is further connected to a media gateway 114. Both the legacy switch 112 and the media gateway 114 interconnect the legacy telephone 110 via the network 204 to the local IVM server 202, thereby facilitating instant voice messaging see [0038] and also(a plurality of server subsystems 428-434, each of which provides translation services to different proprietary and non-proprietary gateways 114, such as TPNCP, MGCP, and MEGACO gateways. The proprietary server subsystems 428, 430 and non-proprietary server subsystems 432, 434 are connected to respective gateways see [0052]).

Regarding claim 31, Rojas discloses the method of claim 27, wherein said step of directly accessing said particular message includes accessing said message while said message is being sent by an initiating user (The user can select the instant voice message from a listing of available instant voice messages displayed on the IVM client 208 and play the newly received instant voice message. The user may also open any file attachments and move or save the files to a separate location on the client using a drag-and-drop process see [0047]) also see (systems may be provided with a facility to

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allow users to leave voice messages for recipients that therefore inherent message is being sent [0008]).

Regarding claim 32, Rojas discloses the method, wherein said step of directly accessing said particular message includes accessing said message (The user can select the instant voice message from a listing of available instant voice messages displayed on the IVM client 208 and play the newly received instant voice message. The user may also open any file attachments and move or save the files to a separate location on the client using a drag-and-drop process see [0047]) after said message has been sent in its entirety by an initiating user (systems may be provided with a facility to allow users to leave voice messages for recipients that therefore inherent message is being sent [0008]).

Regarding claim 33, Rojas discloses an instant voice messaging (IVM) server (the instant voice message therefor over the network; and a server connected to the network see [0012]) comprising:

a. a mechanism for receiving at least one voice message fragment from a first user and for essentially simultaneously streaming said at least one voice message fragment to at least one second user (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012])

b. a communication mechanism to communicate with said first user and said at least one second user (the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients SEE [0045] and FIG.2) also (the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network see [0013]).

Regarding claim 34, Rojas discloses the IVM server, wherein said mechanism for reception and essentially simultaneous streaming of said at least one voice fragment (the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients SEE [0045] includes a fragment streaming and storage module operative to recognize the format of said voice message and to save said message in fragments of a given size (the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients SEE [0045] also (the IVM server 202 forwards the user's speech transmitted from VoIP telephone 206 to the IVM client 208 for storage into digitized audio file 210 on the IVM client 208 see [0041] and FIG.2)..



Regarding claim 35 Rojas discloses the IVM server, further comprising an instant retrieval module operative to provide a smart notification (The file manager 308 services requests from the user to record, delete or retrieve messages to/from the message database 310. Audio file creation 312 creates an instant voice message as audio file 210, and is responsible for receiving input speech for the instant voice message from audio input device 212 or via network 204 and storing the input speech into audio file see [0046] and FIG.3) to said at least one second user that said instant voice message is being sent to said at least one second user (a send signal is generated indicating that the instant voice message is ready to be sent to the selected recipients. The user generates the send signal when the user presses a button on the keypad or returns the handset of the VoIP telephone 206 to its cradle (on-hook). In response to the send signal, the IVM client 206 sends the recorded audio to the local IVM server 202 via the network 204 see [0040] and FIG.2).

Regarding claim 36 Rojas discloses a communications network, a system for instant voice messaging comprising:

a. an instant voice messaging (IVM) server operative to essentially simultaneously receive from an initiating user having an initiating user handset at least one voice message fragment and stream said at least one voice fragment to at least one target user having a respective target user handset (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the

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network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]); and

b. a switch coupled to said IVM server and operative to effect communications between said initiating user and each said at least one target user and said IVM server, as well as between said initiating and said at least one target users (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]);

c. a mechanism included in each said handset for allowing a one-push access to said server for sending or listening to said voice message, whereby each voice message originating from said initiating user may be instantly transmitted over the communications network to said at least one target user (The user generates the send signal when the user operates the IVM client 208 via the input device 218, e.g., pressing a key on a keyboard or clicking a button on a mouse. The IVM client 208 transmits the digitized audio file 210 and the send signal to the local IVM server 202. In response to the send signal indicating that the instant voice message is ready to be sent, the IVM client 208 sends the recorded audio file 210 destined for the selected one or more recipients via local IVM server 202. After receiving the audio file 210, the IVM server

202 thereafter delivers the transmitted instant voice message to the selected one or more recipients via the local IP network 204 see [0039] and FIG.2).

Regarding claim 37 Rojas discloses the system, wherein said mechanism includes at least one button, and wherein said one-push operation includes activation of said at least one button (The user generates the send signal when the user operates the IVM client 208 via the input device 218, e.g., pressing a key on a keyboard or clicking a button on a mouse. The IVM client 208 transmits the digitized audio file 210 and the send signal to the local IVM server 202. In response to the send signal indicating that the instant voice message is ready to be sent, the IVM client 208 sends the recorded audio file 210 destined for the selected one or more recipients via local IVM server 202. After receiving the audio file 210, the IVM server 202 thereafter delivers the transmitted instant voice message to the selected one or more recipients via the local IP network 204 see [0039] and FIG.2).

Regarding claim 38, Rojas discloses the method, wherein said step of accessing said particular message includes directly dialing a prefix of said particular message ( a voice message involves dialing the recipient's telephone number (often without knowing whether the recipient will answer), waiting for the connection to be established, speaking to an operator or navigating through a menu of options, listening to a greeting message, and recording the message for later pickup by the recipient therefore inherent dialing a prefix of said particular message see [0008]).

Regarding claim 39, Rojas discloses the method, wherein said step of accessing

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said particular message includes, by said target user, directly pushing a dial or call button on a telephony handset, while looking at a certain missed message notification (the IVM server 202 forwards the user's speech transmitted from VoIP telephone 206 to the IVM client 208 for storage into digitized audio file 210 on the IVM client 208. The audio file 210 is finalized by returning the handset its cradle (on-hook) or by pressing a designated button on the keypad see [0041] and FIG.2).

Regarding claim 40, Rojas discloses the method, further comprising the step of, by said IVM server, pushing said particular message to said target user ( the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]) also (the IVM server 202 forwards the user's speech transmitted from VoIP telephone 206 to the IVM client 208 for storage into digitized audio file 210 on the IVM client 208. The audio file 210 is finalized by returning the handset its cradle (on-hook) or by pressing a designated button on the keypad see [0041] and FIG.2).

Regarding claim 41, Rojas discloses the method, wherein said particular message includes an unheard message (The VoIP telephone 206 further comprises a handset and/or speakerphone for recording instant voice messages and listening to instant voice messages received at the VoIP telephone 206 according to the present invention see [0038] and wherein said step of pushing includes sending said unheard message as a message selected from the group consisting of an IVM, a voice mail message, a

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multimedia service message (a plurality of server subsystems 428-434, each of which provides translation services to different proprietary and non-proprietary gateways 114, such as TPNCP, MGCP, and MEGACO gateways. The proprietary server subsystems 428, 430 and non-proprietary server subsystems 432, 434 are connected to respective gateways see [0052]) , a unified message, a fax message and a push to talk message.

Regarding claim 42, Rojas discloses) the system, wherein said IVM server ( the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]). Optionally includes a smart charging module operative to provide smart charging for actions effected through said IVM server (a plurality of server subsystems 428-434, each of which provides translation services to different proprietary and non-proprietary gateways 114, such as TPNCP, MGCP, and MEGACO gateways. The proprietary server subsystems 428, 430 and non-proprietary server subsystems 432, 434 are connected to respective gateways SEE [0052]).

Regarding claim 43, Rojas discloses the system, wherein at least one of said handsets is a special handset, and wherein said at least one button is a dedicated button (the IVM server 202 forwards the user's speech transmitted from VoIP telephone 206 to the IVM client 208 for storage into digitized audio file 210 on the IVM client 208. The audio file 210 is finalized by returning the handset its cradle (on-hook) or by pressing a designated button on the keypad see [0041] and FIG.2).

Regarding claim 44, Rojas discloses the system, wherein said dedicated button (the IVM server 202 forwards the user's speech transmitted from VoIP telephone 206 to the IVM client 208 for storage into digitized audio file 210 on the IVM client 208. The audio file 210 is finalized by returning the handset its cradle (on-hook) or by pressing a designated button on the keypad see [0041] and FIG.2) is selected from the group consisting of a dedicated IVM button, a dedicated short message service (SMS) button and a dedicated push-to-talk (PTT) button (The text message is sent immediately via the text-messaging server to the selected one or more persons and is displayed on their respective client terminals see [0009] also (the IVM server 202 forwards the user's speech transmitted from VoIP telephone 206 to the IVM client 208 for storage into digitized audio file 210 on the IVM client 208. The audio file 210 is finalized by returning the handset its cradle (on-hook) or by pressing a designated button on the keypad see [0041] and FIG.2).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Rojas (US 20050135333 A1) in view of Weiss et al (US 6313734 B1).

Regarding claim 19, Rojas discloses the system of claim 2, further comprising a paging system selected from the group consisting of a text paging system (the text message is sent immediately via the text-messaging server to the selected one or more persons and is displayed on their respective client terminals see [0009]) and a voice paging system (the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message see [0012]), said paging system coupled to said IVM server, wherein said IVM server further includes (the user manager 706 is responsible for creating/maintaining IVM clients 206, 208, 506, 508, identifying them and relaying their status to the server engine 704. When an IVM client communicates an instant voice message within the global IVM system 500 see [0064 and FIG.7).

Rojas does not disclose;

- i. a voice recognition module operative to convert voice messages into voice paging messages, and
- ii. a text-to-speech recognition module operative to convert voice messages into text messages, and wherein said paging system is operative to communicate said voice paging messages and said text messages to a pager belonging to said at least one target user.

However Weiss teaches;

- i. a voice recognition module operative to convert voice messages into voice paging messages (a voice paging system that electronically converts a typed message to a

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voiced message and delivers the voiced message to a voice pager unit or voice mail recorder see col:1 lines 8-11), and

ii. a text-to-speech recognition module operative to convert voice messages into text messages, and wherein said paging system is operative to communicate said voice paging messages and said text messages to a pager belonging to said at least one target user (the control computer 6 then controls a wireless transmitter 12 at step S8 to transmit in a wireless manner a signal to the voice pager unit 14 at the destination address to notify the message receiver of an incoming message. The control computer 6 at step S10 also delivers the text message to a text-to-voice converter 10 of the voice paging system 4 see col:3 lines 31-37 and FIG.2).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the disclosure of Rojas and combine it with the teaching of Weiss in order to provide voice paging system that electronically converts a typed message to a voiced message and delivers the voiced message to a voice pager unit.

8. Claim 45-50 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Rojas (US 20050135333 A1) in view of Gilbert (US 20040190692A1).

Regarding claim 45 ,Rojas discloses a method for retrieving an instant voice message sent from an initiating user to a target user over a communications network (The messaging system 714 and the server engine 704 communicate via standard inter-process communication. The storage manager 710 handles retrieving, sending, and storing of messages, including instant voice messages and attachments thereto, to/from



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the message database 712 see [0064] and FIG.7), comprising the steps of:

a) receiving a short message service (SMS) notification Of the instant voice message

(The text message is sent immediately via the text-messaging server to the selected one or more persons and is displayed on their respective client terminals see [0009]),

Rojas does not explicitly disclose the SMS including a specific number (a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]).

Rojas does not disclose;

b). dialing the specific number to instantly retrieve the instant voice message.

However Gilbert teaches;

b). dialing the specific number to instantly retrieve the instant voice message

(automated telephone voice messaging systems, the subscriber must remember the access telephone number and the PIN for the messaging system. If the subscriber forgets or does not know the access telephone number or PIN, he will be unable to retrieve any messages that have been stored see [0006]).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the disclosure of Rojas and combine it with the teaching of Gilbert in order to provide an efficient telephone systems that offer voice messaging services to their subscribers.

Regarding claim 46, note that Gilbert teaches, wherein the specific number includes a telephone number (automated telephone voice messaging systems, the subscriber must remember the access telephone number and the PIN for the messaging system. If the subscriber forgets or does not know the access telephone number or PIN, he will be unable to retrieve any messages that have been stored see [0006]).

Regarding claim 47, note that Gilbert teaches, wherein the specific number includes at least one digit (automated telephone voice messaging systems, the subscriber must remember the access telephone number and the PIN for the messaging system. If the subscriber forgets or does not know the access telephone number or PIN, he will be unable to retrieve any messages that have been stored see [0006]).

Regarding claim 48, note that Gilbert teaches, wherein the specific number includes at least one digit and a prefix (automated telephone voice messaging systems, the subscriber must remember the access telephone number and the PIN for the messaging system. If the subscriber forgets or does not know the access telephone number or PIN, he will be unable to retrieve any messages that have been stored see [0006]).

Regarding claim 49, note that Gilbert teaches, wherein the specific number includes a prefix, at least one digit and a suffix (The subscriber then accesses the messages stored by the telephone company according to the prescribed procedures for

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that telephone voice messaging system, such as dialing a predetermined access telephone number and entering a numeric access code or personal identification number (PIN) see [0004]).

Regarding claim 50, note that Rojas discloses the method, wherein the step of receiving includes receiving the SMS notification (The text message is sent immediately via the text-messaging server to the selected one or more persons and is displayed on their respective client terminals see [0009]) from an instant voice messaging (IVM) server and wherein the step of dialing the specific number includes dialing the IVM server using the specific number(a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients see [0012]).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20040003046 A1), Grabelsky et al discloses, System and methods for providing instant services in an internet protocol network

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHALID ABDALLA whose telephone number is

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(571)270-7526. The examiner can normally be reached on MONDAY THROUGH FRIDAY 7 AM TO 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JINHEE LEE can be reached on 571-272-1977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. A./

Examiner, Art Unit 4173

/Jinhee J Lee/

Supervisory Patent Examiner, Art  
Unit 4173